

S. B. No. 332, A bill to be entitled "An Act to amend Chapter 175, page 252, Acts of the Fortieth Legislature, 1927, so as to permit the adding of an additional section to permit the Highway Commission of Texas to acquire, construct and maintain interstate bridges without the joinder of the highway commissions of the adjoining states, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendment and be printed.

HOPKINS, Chairman.

Committee Amendment.

Amend S. B. No. 332, Section 1, line 8, by adding after the comma after the word "constructing" in said line the words "and/or", and by striking out the word "etc." after the word "maintaining" in said line; amend caption to conform.

THIRTY-THIRD DAY.

Senate Chamber,
Austin, Texas,
March 1, 1935.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Walter F. Woodul.

The roll call disclosed a quorum, the following Senators being present:

Blackert.	Neal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Hughston.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

Absent—Excused.

Beck.	Oneal.
Fellbaum.	

Prayer by the Chaplain.

Further reading of the Journal was dispensed with on motion of Senator Hill.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Minutes of Committee Meetings.

(See Appendix.)

Presentation.

Senator Burns presented to Lieutenant Governor Walter F. Woodul a gavel carved by Mr. Stougaard from one of the logs of the Sam Houston Law Office Cabin in Huntsville.

Lieutenant Governor Woodul made a brief speech of appreciation.

Bills and Resolutions.

Senate Bill No. 361.

By Senators Redditt, Hill, Shivers, Pace, Burns, Hughston and Cotten:

S. B. No. 361, A bill to be entitled "An Act creating "Sabine-Neches Conservation District," a conservation and reclamation district with the powers provided in Section 59 of Article 16 of the Constitution, to conserve, control and utilize the waters of the Sabine and Neches Rivers and their tributaries, including their storm and flood waters, except said district shall have no power of taxation nor right to create any debt payable out of taxation; authorizing one or more districts created under Section 59 of Article 16 of the Constitution to coordinate their plans and to join plans for improvements; defining the boundaries thereof, providing for control through board of directors, their appointment, qualifications and tenure, their organization and powers; authorizing the board of directors to appoint a board of managing directors; and declaring an emergency."

Read and referred to the Committee on Mining, Irrigation and Drainage.

Senate Bill No. 362.

By Senator Hornsby:

S. B. No. 362, A bill to be entitled "An Act further regulating and providing a means and method of securing service of process on Federal Relief Agencies operating and doing business in the State of Texas, including Federal Housing Administra-

tion, Home Owners' Loan Corporation, any National Mortgage Association, any National Mortgage Savings and Loan Insurance Corporation, created and/or to be created by or under authority of an Act of Congress of the United States of America, requiring such corporations and/or agencies to designate and appoint a service agent upon whom service of process may be had and declaring an emergency."

Read and referred to the Committee on Civil Jurisprudence.

Senate Bill No. 363.

By Senator Hornsby:

S. B. No. 363, A bill to be entitled "An Act exempting the State of Texas, any county in the State, any State department or the head of any State department and corporations created and/or to be created by or under authority of any Act of Congress of the United States of America as a national relief organization from giving security for costs or the posting of bond or bonds in securing any extraordinary writs in any action brought in their official capacity in the courts of this State; repealing all laws in conflict herewith, and declaring an emergency."

Read and referred to the Committee on Civil Jurisprudence.

Senate Bill No. 364.

By Senator Small:

S. B. No. 364, A bill to be entitled "An Act to amend Article 7150 of the Revised Statutes of Texas, 1925, providing qualifications prerequisite to exempt from taxation for institutions, except those owned by the State of Texas, the function of which is the care of, or ministrations to sick or infirm humans, by adding thereto another section, Number 7a, wherein it is provided that this class of institutions, to claim exemption from taxation, must allow all reputable licensed physicians and/or surgeons the use of its facilities; not refuse any patient because of his choice of any reputable, licensed physician and/or surgeon; post notices of its being a tax free institution and file a sworn statement annually setting out the name and location of the institution, the names of the persons operating the same and that the institution is maintained as a tax free institution; providing

against an invalid part of this Act, invalidating the remainder or any part thereof; repealing all laws in conflict with this Act; and declaring an emergency."

Read and referred to the Committee on Public Health.

Senate Resolution No. 31.

The Chair laid before the Senate S. R. No. 31.

By Senator Hornsby:

S. R. No. 31, A Senate resolution Authorizing the purchase of the portrait of Vice-President John Nance Garner.

Senator Hornsby moved the adoption of the committee amendment.

The amendment was adopted.

The resolution as amended was adopted by viva voce vote.

S. J. R. No. 3.

Pending business was S. J. R. No. 3, and the pending substitute by Senator Hill.

Senator DeBerry had the floor.

Motion to Recommit.

Senator DeBerry moved that S. J. R. No. 3 be recommitted to the committee on Constitutional Amendments.

Senator DeBerry withdrew his motion to recommit.

Senator Moore asked unanimous consent to withdraw the resolution.

Motion to Lay on Table.

Senator Woodruff moved to lay S. J. R. No. 3 with pending substitute on the table subject to call.

Motion to Set for Special Order.

Senator Moore moved as a substitute that S. J. R. No. 3 be laid on the table and made special order Monday after the morning call.

The substitute motion by Senator Moore prevailed by viva voce vote.

Senate Bill No. 365.

Senator Redditt received unanimous consent to send up the following bill:

By Senator Redditt:

S. B. No. 365, A bill to be entitled "An Act amending Section 3 of Article 1108, Chapter 10, Title 28, Revised Civil Statutes of Texas, 1925, and declaring an emergency."

Read and referred to the Committee on Towns and City Corporations.

Senate Bill No. 366.

Senator Westerfeld received unanimous consent to send up the following bill:

By Senator Westerfeld:

S. B. No. 366, A bill to be entitled "An Act amending Article 4201, Chapter 8, Title 69 of the Revised Civil Statutes of the State of Texas, adopted at the Regular Session of the Thirty-ninth Legislature relative to the sale of real estate by guardians by providing that before any sale by a guardian shall be confirmed or the title of the ward to such real estate shall pass to the purchaser, the Court shall find and determine that the general bond of the guardian is in an amount equal to double the value of the personal property on hand, including the amount for which such real estate may be sold, plus such an additional sum as may, in the opinion of the Court, be necessary to protect the estate of the ward, and declaring an emergency."

Read and referred to the Committee on Civil Jurisprudence.

Bill Signed.

The Chair, Lieutenant Governor Walter F. Woodul, gave notice of signing, and did sign, in the presence of the Senate, after its captions had been read, the following bill:

H. B. No. 135.

Message From the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives,
Austin, Texas, March 1, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

H. C. R. No. 44, Changing the hour for the convening of the joint session of the House and Senate on Saturday, March 2, 1935, from 11:00 o'clock a. m., to 10:30 a. m.

H. C. R. No. 45, Providing for a joint session of the House and Senate at 10:30 o'clock a. m., Monday, March 4, 1935, for the purpose of hearing Gov. James V. Allred.

The House has concurred in Senate amendments to H. B. No. 403, by a vote of 114 yeas, 9 nays.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Senate Bill No. 367.

Senator Westerfeld received unanimous consent to send up the following bill:

By Senator Westerfeld:

S. B. No. 367, A bill to be entitled "An Act amending Article 4216, Chapter 8, Title 69 of the Revised Civil Statutes of the State of Texas, adopted at the Regular Session of the Thirty-ninth Legislature relating to the confirmation of sales of real estate by guardians by requiring the Court to determine and find that the guardian's general bond is in a sum equal to double the value of the personal property on hand including the amount for which the real estate is being sold before confirming such sale, and providing that the title to such real estate shall not pass until the provisions hereof shall be strictly complied with, and declaring an emergency."

Read and referred to the Committee on Civil Jurisprudence.

S. C. R. No. 21.

Senator Woodruff sent up the following resolution:

Whereas, Prior to the enactment of Chapter 99, page 219, Acts of the Forty-third Legislature, 1933, there existed uncertainty as to the law in the matter, and the Comptroller's Department for a number of years prior thereto had advised the various sheriffs of this State that the latter were entitled to mileage and arresting fees for arresting and bringing defendants before the several Justices of the Peace in this State, upon warrants issued by such Justices of the Peace, and

Whereas, Many sheriffs of the State, believing they were entitled to such arresting and mileage fees on warrants issued by Justices of the Peace, incurred great expense to themselves in going to various and, in some instances, distant points to apprehend and bring before the Justices of the Peace persons charged with violation of the Penal Code of this State, and

Whereas, Many sheriffs have presented to the State of Texas claims of such mileage and have been paid the same, and are now being called upon by the Comptroller and the State Auditor to refund the same, many of whom are unable to do so without sacrificing their homes, and

Whereas, The Legislature by the aforesaid Chapter 99, page 219, of the Forty-third Session of 1933, enacted what is now known as Article 1020 of the Code of Criminal Procedure clarifying the law upon the question and declaring it to be the public policy of this State to pay sheriffs mileage and arresting fees in executing the commands of the Justices of the Peace upon complaint filed in the Justice Court, where such complaint is followed by indictment, and

Whereas, It is an injustice to the sheriffs of this State to require them to refund to the State the mileage and arresting fees for arresting and transporting defendants on the warrants of Justices of the Peace, where such arrest or arrests are followed by indictment, therefore be it

Resolved, by the Senate of the Forty-fourth Legislature of the State of Texas, the House of Representatives concurring. That all claims of the State of Texas against sheriffs and/or former sheriffs of this State for the refund of mileage and fees collected for arresting and transporting persons charged with violations of the Penal Code by complaint filed in the Justices of the Peace Courts of this State, where such complaint is followed by indictment under the Code of Criminal Procedure of this State be and they are hereby relinquished and remitted. Be it further

Resolved, That the Comptroller of the State of Texas, be, and he is hereby, instructed and directed to remit and relinquish all such claims for refund to the sheriffs and former sheriffs of the several counties of this State, and that he do not deduct from any unpaid claim of any such sheriff the amount of mileage and arresting fees incurred in accordance with the foregoing, it being here declared to be the policy of this State that the sheriffs of this State are entitled to compensation for arresting and transporting persons charged with violations of the law, upon warrants issued by the Justices of the Peace of this State, where such arrest is followed by indictment.

Read and referred to the Committee on Finance.

House Bill No. 76.

Senator Westerfeld moved to print on minority report H. B. No. 76.

Senator Westerfeld spoke on his motion.

The Chair informed Senator Westerfeld that under the rules the Senator's time had expired.

On motion of Senator Blackert and by unanimous consent of the Senate, Senator Westerfeld's time was extended indefinitely.

The Chair informed Senator Moore that under the rules his time had expired in discussion of the motion.

On motion of Senator Burns, Senator Moore's time was extended.

By unanimous consent Senate Rule No. 15 was suspended for the consideration of the motion to print on minority report H. B. No. 76.

Pending.

Motion to Recess.

Senator Duggan at 12:15 o'clock p. m. moved that the Senate recess until 2:00 o'clock p. m.

The motion to recess lost by the following vote:

Yeas—8.

Collie.	Martin.
DeBerry.	Neal.
Duggan.	Poage.
Hornsby.	Westerfeld.

Nays—18.

Blackert.	Rawlings.
Burns.	Redditt.
Cotten.	Sanderford.
Davis.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hughston.	Sulak.
Moore.	Van Zandt.
Pace.	Woodruff.

Absent—Excused.

Beck.	Oneal.
Fellbaum.	Regan.
Hopkins.	

H. C. R. No. 44.

The Chair laid before the Senate by unanimous consent out of its regular order, H. C. R. No. 44, "Changing the hour for convening of the Joint Session of the House and Senate, Saturday, March 2, from 11:00 o'clock a. m., to 10:30 a. m."

Senator Westerfeld moved that Senate Rule requiring resolutions to

be referred to a committee be suspended, and that H. C. R. No. 44 be taken up and considered at this time.

Motion prevailed.

H. C. R. No. 44 was adopted by viva voce vote.

H. C. R. No. 45.

The Chair laid before the Senate by unanimous consent and out of its regular order, H. C. R. No. 45, "Providing for a joint session on March 4, for the purpose of hearing Gov. James V. Allred."

Senator Westerfeld moved that the Senate rule requiring resolutions to be referred to a committee be suspended, and that H. C. R. No. 45 be taken up and considered at this time.

Motion prevailed.

On motion of Senator Westerfeld H. C. R. No. 45 was adopted.

House Bill No. 76.

Recurring business was the motion to print on minority report H. B. No. 76.

Senator Woodruff had the floor.

Previous Question.

Senator Burns moved that the previous question be ordered on the motion to print on minority report H. B. No. 76.

The motion was seconded.

The motion to order the previous question lost by viva voce vote.

Motion to Recess.

Senator Stone at 1:00 o'clock p. m., moved that the Senate recess until 3:00 o'clock p. m. today.

Substitute Motion to Recess.

Senator Blackert moved as a substitute that the Senate recess until 10:00 a. m., Saturday.

Senator Woodruff asked Senator Blackert to hold in abeyance his motion to recess and he would conclude his remarks in seven minutes.

There was objection.

The question recurred on the substitute motion to recess until 10:00 a. m., which lost by the following vote:

Yeas—9.

Blackert.	Sanderford.
Cotten.	Shivers.
Holbrook.	Small.
Martin.	Van Zandt.
Poage.	

Nays—17.

Burns.	Neal.
Collie.	Pace.
Davis.	Rawlings.
DeBerry.	Redditt.
Duggan.	Stone.
Hill.	Sulak.
Hornsby.	Westerfeld.
Hughston.	Woodruff.
Moore.	

Absent—Excused.

Beck.	Oneal.
Fellbaum.	Regan.
Hopkins.	

The motion to recess until 3:00 o'clock p. m., lost by the following vote:

Yeas—9.

Collie.	Pace.
Duggan.	Poage.
Hill.	Stone.
Martin.	Sulak.
Moore.	

Nays—17.

Blackert.	Rawlings.
Burns.	Redditt.
Cotten.	Sanderford.
Davis.	Shivers.
DeBerry.	Small.
Holbrook.	Van Zandt.
Hornsby.	Westerfeld.
Hughston.	Woodruff.
Neal.	

Absent—Excused.

Beck.	Oneal.
Fellbaum.	Regan.
Hopkins.	

House Bill No. 76.

Senator Woodruff had the floor on the motion to print on minority report, H. B. No. 76.

Motion to Reconsider.

Senator Hornsby moved that the Senate reconsider the vote by which the rules were suspended on the motion to print on the minority report H. B. No. 76.

Senator Hornsby withdrew the motion to reconsider.

Personal Privilege.

Senator Woodruff rose to a point of personal privilege.

The motion to print on minority report H. B. No. 76, prevailed by the following vote:

Yeas—14.

Burns.	Neal.
Collie.	Rawlings.
Cotten.	Sanderford.
DeBerry.	Shivers.
Hill.	Sulak.
Hornsby.	Van Zandt.
Martin.	Westerfeld.

Nays—11.

Blackert.	Pace.
Davis.	Poage.
Duggan.	Redditt.
Holbrook.	Small.
Hughston.	Woodruff.
Moore.	

Absent.

Stone.

Absent—Excused.

Beck.	Oneal.
Fellbaum.	Regan.
Hopkins.	

Verification Called For.

Senator Holbrook called for a verification of the vote.

The vote was found to be correct.

Reason for Vote.

Mr. President: I vote nay on the motion to print H. B. No. 76, A bill to be entitled An Act declaring a moratorium upon foreclosures of real estate liens, for the reason that same is clearly an invasion of the principle of right of contract, as was so ably declared by the Supreme Court of this State in the Traveler's Insurance Co. case in 1934.

WOODRUFF.

Senate Bill No. 170.

The Chair laid before the Senate on its second reading the following bill, which had been set for special order.

By Senator Redditt:

S. B. No. 170, A bill to be entitled "An Act making appropriations for the support and maintenance of summer schools during the summer of the year 1935, at the several State institutions of higher learning in the State of Texas, authorizing the expenditure by said institutions of certain additional amount from fees

collected from summer school students, and declaring an emergency."

Read second time.

Pending.

Recess.

On motion of Senator Sanderford, the Senate at 1:30 o'clock p. m., recessed until 10:00 o'clock a. m. Saturday.

APPENDIX

Petitions and Memorials

Valdosto, Ga.,

February 27, 1935.

We wish to acknowledge with sincere thanks the kind expression of your sympathy.

MRS. E. H. BECK
and Family.

Committee Reports.

Committee Room,

Austin, Texas, Feb. 28, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 69, A bill to be entitled "An Act declaring monopolies contrary to public policy of this State; making it unlawful for those engaged in the public utility business to prevent or hinder legitimate competition, or to fix discrimination rates; making the Act applicable to subsidiary and associated corporations; providing for prima facie evidence of violation; providing for quo warranto proceedings and forfeiture of charter; repealing all laws and parts of laws in conflict herewith; providing if any part of this Act is declared unconstitutional and invalid it shall not affect the validity of the remainder of the Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation it do pass as amended by amendment No. 1, and be printed.

PACE, Chairman.

Committee Amendment No. 1.

Amend Senate Bill No. 69 by adding at the end of Section 5, the following:

"Provided, that the first named person, partnership, company or corporation so petitioned to reduce its rates shall always be permitted to reduce its rates to the level of those charged by said municipality or any other person, partnership, company or corporation doing a like utility business in said municipality."

Committee Room,
Austin, Texas, Feb. 28, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. C. R. No. 32-A,

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PACE, Chairman.
Committee Room,
Austin, Texas, Feb. 28, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 188, A bill to be entitled "An Act to protect the legitimate home merchants against itinerant merchants; defining itinerant merchants; defining the operation of a temporary store; exempting bona fide residents of any county and commercial travelers selling at wholesale; providing for truthful advertising of goods they offer for sale; requiring a deposit with the Secretary of State; providing for the issuance of a vendor's license by the Secretary of State and the proper exhibition, filing, and recording of the same; providing for the enforcement of the provisions of the same; deposits subject to attachment and execution; naming a penalty and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation it do not pass but pass with committee substitute as amended by amendment No. 1, in lieu thereof and such committee substitute be printed in bill form.

PACE, Chairman.

Committee Amendment No. 1.

Amend Committee Substitute Senate Bill No. 188, Section 6, by eliminating the last line in said Section by inserting in lieu thereof:

"Provided that if no attachment or execution has been levied by creditors within thirty (30) days after such itinerant merchant has ceased to operate any such store or place of business pursuant to a license issued in conformity with this Act, said deposit shall be returned to him by the Secretary of State."

Committee Room,
Austin, Texas, Feb. 28, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 46, A bill to be entitled "An Act declaring monopolies contrary to public policy of this State; making it unlawful for those engaged in the public utility business to prevent or hinder legitimate competition, or to fix discriminatory rates; making the Act applicable to subsidiary and associated corporations; providing for prima facie evidence of violations; providing for quo warranto proceeding and forfeiture of charter; repealing all laws and parts of laws in conflict herewith; providing a saving clause, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation it do pass as amended, by amendment No. 1, and be printed.

PACE, Chairman.

Committee Amendment No. 1.

Amend H. B. No. 46 by adding at the end of Section 5, the following:

"Provided, that the first named person, partnership, company or corporation so petitioned to reduce its rates shall always be permitted to reduce its rates to the level of those charged by said municipality or any other person, partnership, company or corporation doing a like utility business in said municipality."

Committee Room,
Austin, Texas, Feb. 28, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

S. B. No. 248, A bill to be entitled "An Act creating the Special Ninth

District Court of Montgomery County, Waller County, Polk County, and San Jacinto County, Texas, prescribing its jurisdiction, limiting its existence, fixing its terms, providing for the appointment of a judge thereof, fixing his compensation, making an appropriation for the same, prescribing the powers and duties, providing for the transfer of cases from the Ninth Judicial Court to said Special Ninth Judicial Court, providing for the appointment of an assistant district attorney to prosecute cases in said court, making an appropriation for his salary, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendments and be not printed.

MARTIN, Chairman.

Committee Amendment No. 1.

Amend Senate Bill No. 248, Section 12, by striking out the word and figure 4, and substitute in lieu thereof the word and figure two.

Committee Amendment No. 2.

Amend Senate Bill No. 248, Section 16, by adding after the last word in said section the following: "This act shall become effective and in full force when the Special Ninth District Court of the said counties already in existence expires under the act which created it."

(Majority Report.)

Committee Room,

Austin, Texas, March 1, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, a majority of your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 76, A bill to be entitled "An Act to amend Sections 1, 2, 3, 5, 9, and 12 of Senate Bill No. 3, Chapter 16, page 42, of the General and Special Laws of Texas, passed at the Second Called Session of the Forty-third Legislature of the State of Texas, 1934, so as to extend the effective date of said Chapter 16 to August 1, 1936, and declaring an emergency."

Have had the same under consideration, and I am instructed to

report it back to the Senate with the recommendation that it do not pass.

SMALL, Chairman.

(Minority Report.)

Committee Room,

Austin, Texas, March 1, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, a minority of your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 76, A bill to be entitled "An Act to amend Section 1, 2, 3, 5, 9 and 12 of Senate Bill No. 3, Chapter 16, page 42, of the General and Special Laws of Texas, passed at the Second Called Session of the Forty-third Legislature of the State of Texas, 1934, so as to extend the effective date of said Chapter 16 to

August 1, 1936, and declaring an emergency."

Have had the same under consideration, and beg leave to dissent from the majority report on said bill and recommend that it do pass and be printed.

WESTERFELD,
HILL,
HORNSBY.

Committee Room,

Austin, Texas, Feb. 28, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 114, A bill to be entitled "An Act amending Article 7319, Article 7320, Article 7321, Article 7323, Article 7324; providing for the transfer of tax liens and making said liens eligible for investment; amending Article 7329; inserting a new article to be known as Article 7329-A, providing for the institution of suit by the owner of any real estate sold for taxes under provisions of this Act; amending Article 7330, Article 7283; providing for the appointment of a deputy delinquent tax collector; fixing his bond; providing for his compensation; providing that the provisions of this Act shall be available to cities, towns, and other taxing subdivisions; providing for the creation of a 'plat and ownership record'; providing for the vacation of the office of tax assessor and collector upon failure to carry out the provisions of this Act; containing a savings clause and repealing all laws

or parts of laws in conflict herewith and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass but pass with the committee substitute, as amended by Amendments 1-14, inclusive, in lieu thereof and that the committee substitute as amended be printed.

PACE, Chairman.

Committee Amendment No. 1.

Amend the caption of Committee Substitute to Senate Bill No. 114 by inserting after the word "Chapter 98" page 1, line 14, the words and figures: "Amending Article 7321."

Committee Amendment No. 2.

Amend Committee Substitute Senate Bill No. 114, Section 2, line 51, by inserting the word "thirty" between the words "the" and "first" and by striking out the words "January, 1920" and inserting in lieu thereof "December, 1919."

Committee Amendment No. 3.

Amend Committee Substitute Senate Bill No. 114, Section 2, line 59, by striking out the words "January 1, 1920" and inserting in lieu thereof "December 31, 1919."

Committee Amendment No. 4.

Amend Section 3 of Committee Substitute Senate Bill No. 114 to read as follows:

Sec. 3. That Article 7321 of the Revised Civil Statutes of 1925 be amended to read as follows:

Article 7321. The commissioners court of each county shall cause to be compiled by the assessor and collector of taxes or under his direction, a consolidated delinquent tax record of all lands, lots, or parts of lots that remain delinquent for taxes or have been sold to the State (or city, town, school district or other tax subdivision) for taxes since the 31st day of December, 1919, and which have not been redeemed by payment of the tax, or where the tax has not been legally canceled; and such record, when duly approved as provided herein, shall be the official "delinquent tax record" of _____ County, Texas.

Acreage property shall be arranged numerically according to abstract

numbers, provided however, the commissioners court and the Comptroller may authorize a numerical arrangement according to survey number, section, block, county block, or any other numerical system consistent with the platting and the customary conveyancing of the particular property. City property shall be arranged numerically: First, according to the city, town or village. Next, according to the addition or subdivision thereof. Then, according to outlot, block, lot or other smaller subdivision thereof.

Every two years, the delinquent tax record shall be recompiled and brought up to date in the same manner as herein provided. It shall be compiled in triplicate on forms prescribed or approved by the Comptroller of Public Accounts. The original copy shall be deposited in the tax collector's office; the duplicate copy shall be filed with the Comptroller of Public Accounts; and the triplicate copy shall be deposited with the county clerk and may be withdrawn and used by the county auditor or by a delinquent tax collector.

The record shall show the year or years for which the land or lots remain delinquent; the name of the person to whom assessed, if known; the number of acres, if acreage property, or proper description of other property; and the amount of taxes remaining delinquent. Penalty, interest and cost need not be entered upon the record at the time of compilation, but shall be considered statutory charges and shall be calculated by the tax collector at the time of rendering statements, notices, or preparing tax receipts. In compiling the delinquent record, corrections and omissions in names, descriptions, taxes, and credits shall be made or supplied and for this purpose, the compiler shall examine the plats on file in the county clerk's office, the assessor's records, the Comptroller's delinquent lists and delinquent records and the abstract books of the State Land Office. A pro rata share of the total taxes returned delinquent shall be apportioned to each tract or lot of land, separately. The record shall contain an alphabetical index of taxpayers shown delinquent thereon, referring to the page on which such delinquency may be found, provided

however, the commissioners court and the Comptroller may authorize the dispensing of the compilation of such index and approve a record without one, should they deem it unnecessary in that particular county.

The record shall be well bound and when completed shall be submitted to the commissioners court and the State Comptroller. It shall be examined by each of them, corrections may be ordered made, and when found correct, it shall be approved by the commissioners court and the Comptroller, and payment for the compilation thereof shall be authorized at the actual cost to the assessor and collector of taxes proportionately from each the State, county, and district taxes first collected from the completed record. Such cost, in no case to exceed five cents per item or written line of such record and not to exceed twenty-five cents in any one case where a particular lot or acreage tract is delinquent for five or more years. The delinquent record, when approved, together with the assessment rolls, tax inventories, delinquent lists in the office of assessor and collector of taxes, shall be prima facie evidence that all requirements of law have been complied with by the officers charged with any duties thereunder as to regularity of listing, assessing, equalizing, approval of rolls, or the levying of taxes charged thereon, and as to reporting delinquent or sold to the State and that the amount alleged against said real estate is a true and correct charge, and in case of description of property in said lists, rolls, books and records is not sufficient to properly identify same and if there is sufficient description in the tax inventories, then said inventories may be admissible as evidence of the description of said property. For a more complete description of the property as to location and field notes, of lots, blocks, additions, subdivisions, ownership and lien holders, reference may be made to the deed records of the county and the plats and maps of the several surveys of lands, lots and blocks in cities or towns.

It shall be the duty of the assessor and collector of taxes to compile a like record of the delinquent taxes of any district for which he collects taxes from tax rolls, receipts and

records other than those that the State and county taxes are collected from. Such record shall be submitted to the governing body of the particular district and upon approval, the tax collector shall be reimbursed in the manner herein provided for the county delinquent tax record.

The authority herein conferred on, and the duties required of the commissioners court and the Comptroller is hereby conferred on and required of the commission, council, board, or other governing body of any city, school district, or other taxing district who may desire to avail themselves of the provision of this Act.

Committee Amendment No. 5.

Amend Committee Substitute Senate Bill No. 114, Section 8, lines 11 to 16 inclusive by eliminating the words:

"such citation and final notice by publication thereof in the English language in an established newspaper in the county once a week for three successive weeks prior to the sale, provided that any number of delinquent owners and/or lien holders may be cited by publication in the same notice by giving all the information herein required to be included in such notice."

And inserting in lieu thereof the following:

"the final citation and notice herein required by posting written notices of the proposed sale of the property for taxes, containing all the information hereinabove set out, for three consecutive weeks prior to the day of sale, in three public places in the county, one of which shall be posted at the courthouse door of the county in which such sale is to be made."

Committee Amendment No. 6.

Amend Committee Substitute Senate Bill No. 114, Section 9, line, 23, by inserting the word "continue" following the word "notice;" line 30, by inserting the words "of sale" between the words "cost" and "shall."

Committee Amendment No. 7.

Amend Committee Substitute Senate Bill No. 114 by inserting after the words "party or parties" on page 7, line 10, the following:

"Provided, however, should the Assessor and Collector be unable to find the owner of the tax deed or proper party or parties, he shall pay the money to the State Treasurer, in the same manner as provided in Section 9, Article 7324-D."

Committee Amendment No. 8.

Amend Committee Substitute Senate Bill No. 114 so that it reads as follows:

"Sec. 14. In view of the great amount of delinquent taxes due the State, counties, cities, towns, school districts, and other taxing subdivision and the failure of our existing agencies to collect delinquent taxes, the Commissioners' Court of each county, by and with the approval of the Comptroller of Public Accounts, may in its discretion employ a competent person, herein sometimes called the Delinquent Tax Collector, to aid and assist the Tax Collector and other officers in the collection of delinquent taxes, such person employed must have been experienced in handling ad valorem taxes and title matters. He shall be required to execute a contract to discover the names and addresses of present owners and lien holders of property delinquent, together with proper description of that property. He shall be required to furnish all labor, equipment, clerical help, printing, supplies, including postage, stationery and other expenses incidental to the preparation, delivery and serving of the delinquent tax notices required by this Act. He shall take the initiative in handling adjustments, shall prepare all tax receipts, all cancellation receipts and legal papers required by this Act and perform each and every function herein required to be performed, except those purely official acts, such as the execution of tax receipts, tax deeds, tax notices, assignments of liens and the receiving of taxes required to be done by the Assessor and Collector of taxes or other official. The delinquent tax contractor need not be a resident of the county in which he is employed and may hold and execute contracts in one or more counties, but shall be required to execute a separate bond for each of said counties, as provided in Section 15, herein."

Committee Amendment No. 9.

Amend Section 18 of C. S. S. B. No. 114 to read as follows:

Sec. 18. All delinquent state, county and district taxes collected from the State and county delinquent tax record under the provisions of this Act, shall be paid to the Assessor and Collector of taxes and he shall execute receipts therefor. On the first day of each month, the delinquent tax collector shall prepare itemized report on forms prescribed by the Comptroller of all collections brought about through his effort, and this report shall be submitted to the County Auditor, if there be one in that county, if not, it shall then be submitted to the County Judge, and upon the approval of the report by the County Auditor or the County Judge, as the case may be, the County Assessor and Collector of taxes shall pay to the delinquent tax collector the percentage of delinquent taxes authorized by such report as approved. The County Assessor and Collector shall take a receipt for all monies paid the delinquent tax collector and shall receive credit therefor upon his annual settlement with the State, county and districts.

Committee Amendment No. 10.

Amend Committee Substitute Senate Bill No. 114 by adding after the words "delinquent taxes" on line 5, page 8, and after the words "delinquent taxes" on line 11, page 8, the words "or the Assessor and Collector of taxes."

Committee Amendment No. 11.

Amend C. S. S. B. No. 114 by striking out Section 21 and substituting therefor the following:

Sec. 21. The Comptroller of Public Accounts shall select one or more of the representatives of his Department to study plat and ownership records and maps and shall design and prescribe a uniform system or systems of platting and of ownership maps for use throughout the State. Separate system of numbering or lettering of tracts may be authorized by him in various counties to best meet the current needs for tax and conveyancing purposes. When such a system shall have been prescribed, the Comptroller and the

commissioners court may jointly contract with competent persons for the surveying, platting and compiling such ownership maps according to the system, plan and specifications designed by the Comptroller's Department. An additional ten percent of all delinquent taxes collected may be set aside in a special fund by the Tax Collector upon the order of the commissioners court and the comptroller to defray the expenses of the installing of the plat and ownership record and maps, which shall, when approved by the commissioners court and the comptroller, become the official record of the assessor and collector's office and shall thereafter be maintained under the supervision of the comptroller and the commissioners court and shall be referred to in assessing and conveying of real estate for the description of property. In no event shall the additional ten percent set aside for the compiling of the plat and ownership record be drawn by the compiler thereof until that particular part of the record shall have been completed and been approved.

Committee Amendment No. 12.

Amend Committee Substitute Senate Bill No. 114 by adding a new section immediately after Section 17 to be known as Section 17a, as follows:

"Sec. 17a. It is also made the duty of the Delinquent Tax Collector to gather the facts as to any property that may be subject to escheat under the provisions of Articles 172, 1364, and 3272 to 3289, inclusive, of the 1925 Revised Civil Statutes of the State of Texas and present such record facts and other information to the Attorney General and if such facts and data justify escheat proceedings, the Attorney General shall institute such proceedings and he shall be assisted by the District or County Attorney of the county in which a part or all of the property is located. The District or County Attorney to receive same compensation, in escheat proceedings, as is now provided by law. The compensation of the Delinquent Tax Collector shall be 25% of all property or the value of same finally escheated to the State and the State is to be at no other expense, and the 25% shall be a charge of cost against the escheated property. All property

hereafter escheated to the State shall become the property of the State Available School Fund."

Committee Amendment No. 13.

Amend Section 12 of Committee Substitute Senate Bill No. 114 by striking out lines 43 to 49 of page 6 and inserting the following:

"6 That before entering any order annulling the sale and cancelling the deed or deeds made thereunder, based upon any or all of the grounds provided under this Section, unless it shall have been proved that the taxes for which the property had been sold had previously been paid, the court trying the case shall require the plaintiff in such cases to pay into court for the benefit of the purchaser of the land involved at such sale or sales, the sum paid by the purchaser at such sale or sales plus ten per cent thereof and one dollar additional as recording fee. Provided however, should it be proved that the taxes for which the property had been sold had previously been paid, the court trying the case shall issue an order directing that the assessor and collector of taxes issue a refund of the amount set out above to the holder of the deed. The amount of such refund shall be charged to and paid out of the State, county and district taxes collected, in the same proportion as the money was distributed to these funds at the time the property was sold for taxes."

Committee Amendment No. 14.

Amend Section 19 of Committee Substitute Senate Bill No. 114 to read as follows:

"Sec. 19. When the owner or lien holder of property delinquent for taxes shall furnish proof to the Delinquent Tax Collector or the assessor and collector of taxes of a decline or shrinkage in value of property delinquent for taxes before the date of the assessment thereof, caused by flood, storm or fire or other causes not compensated by insurance and over which the owner thereof had no control, the delinquent tax collector or the assessor and collector of taxes shall personally inspect such property and make a written report to the Commissioners' Court stating the facts and making such recommendation in regard to

the adjustment of the taxes to apply to a reasonable valuation warranted by the facts. The Commissioners' Court may, by and with the approval of the Comptroller, authorize a readjustment of the valuation, equalizing those values with the values of other properties in the vicinity for the year or years for which it is delinquent."

Committee Room,
Austin, Texas, Feb. 28, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, a majority of your Committee on Insurance, to whom was referred

S. B. No. 272, A bill to be entitled "An Act amending Article 4879 of the Revised Civil Statutes of the State of Texas, 1925, providing that rate of premiums to be charged or collected by all companies transacting the business of fire and/or tornado insurance in this State shall be exclusively fixed and determined and promulgated by the Board of Insurance Commissioners, and providing that no insurance company shall charge or collect any premium or other compensation for any policy of fire and/or tornado insurance other than at the rate as herein provided for, repealing all laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, together with Committee Amendments, and I am instructed to report it back to the Senate with the recommendation that the bill, as amended by the committee, do not pass.

COLLIE, Chairman.

Minutes of Committee Meetings.

Minutes of Committee on State Affairs Held February 28, 1935 Regular Meeting.

Present: Pace, Blackert, Collie, Cotten, DeBerry, Holbrook, Hopkins, Hornsby, Hughston, Martin, Moore, Oneal, Rawlings, Redditt, Regan, Shivers, Small, Stone, Sulak.
Absent-excused: Fellbaum.

S. B. No. 69 was reported favorably by viva voce vote with recommendation it be printed.

S. B. No. 114 was reported favorably by viva voce vote with the recommendation that the committee

substitute, as amended, pass and be printed in lieu of the original bill.

S. B. No. 188 was reported favorably by viva voce vote with the recommendation that the committee substitute, as amended, pass and be printed in lieu of the original bill.

H. B. No. 46 was reported favorably by viva voce vote with the recommendation that it, as amended, be printed.

H. C. R. No. 32-A was reported favorably by viva voce vote with the recommendation it not be printed.

S. B. No. 194 was referred to a sub-committee.

REEVES, Secretary.

Minutes of Committee on Criminal Jurisprudence Held February 6, 1935—Regular Meeting.

Present: Stone, Woodruff, Collie, Fellbaum, Hopkins, Martin, Rawlings, Small, Davis, Hill and Hughston.

Absent: Cotten and Van Zandt (excused).

Absent: Hornsby.

On motion of Senator Rawlings S. B. No. 18 was referred to a sub-committee composed of Senators Collie, Small, and Houghston.

Yeas: Woodruff, Fellbaum, Hopkins, Martin, Rawlings, Small, Davis, and Hill.

Nays: Collie and Hughston.

It was recommended by the committee that S. B. No. 202 be referred to the Committee on Civil Jurisprudence.

S. B. No. 17 was reported favorably.

ELIZABETH PENNINGTON,
Secretary.

Minutes of Committee on Criminal Jurisprudence, Held February 20, 1935. Regular Meeting.

Present: Woodruff, Collie, Hopkins, Martin, Rawlings, Small, Davis, Hill, Hughston, Cotten, Van Zandt, Hornsby and Stone.

Absent: Fellbaum—excused.

Senator Collie made the motion that Senate Bills 18, 19, 20, 21, 22, 23, 24, 51, 52, 53, 159, 160, 161, 162, 163, 164, 221, 222, 244, 245, and 307 be reported favorably with the recommendation that they do pass and be printed.

The motion was carried by viva voce vote.

S. B. 286 was reported favorably with the recommendation that it do pass and be not printed.

S. B. 266 was reported favorably with the recommendation that it do pass and be printed.

After this action by the committee a public hearing was held on S. B. 3.

Senator Collie made the motion that S. B. No. 3 be reported favorably.

Senator Rawlings made a substitute motion that action be deferred on the bill until the next meeting of the committee in order that he might prepare some amendments to the bill.

Question was on the substitute motion. Motion was carried.

Ayes: Hopkins, Rawlings, Small, Davis and Van Zandt.

Nays: Collie, Hill and Houghston.

ELIZABETH PENNINGTON,
Secretary.

Minutes of Committee on Insurance,
Regular Meeting February
28, 1935.

Present: Collie, Hughston, Cotten, DeBerry, Holbrook, Moore, Pace, Rawlings, Sulak, Westerfeld, Woodruff.

Absent: Poage and Shivers (excused).

S. B. No. 272, with adopted committee amendments, was reported out, upon motion of Senator DeBerry, with the recommendation that it do not pass, by the following vote:

Ayes: Hughston, Cotten, DeBerry, Pace, Rawlings, Westerfeld.

Nays: Holbrook, Moore, Sulak, Woodruff.

Senator Pace notified the Chair of his intent to have the bill, as amended, brought before the Senate on a minority report.

The Chair ruled the notice of filing minority report was out of order as Senator Pace had voted for the majority report.

BILL GEORGE, Secretary.

THIRTY-SECOND DAY.

(Continued.)

Senate Chamber,
Austin, Texas,
March 2, 1935.

The Senate met at 10 o'clock a. m., pursuant to recess, and was called to order by Lieutenant Governor Walter F. Woodul.

Pending business was engrossment of S. B. No. 170 by Senator Redditt relative to appropriation for the Board of Education.

At Ease.

The Senate stood at ease until 10:25 o'clock.

Joint Session.

The Chair, at 10:30 o'clock announced that the hour had arrived for the joint session of the House and Senate to celebrate Texas Independence Day as provided for in H. C. R. No. 42.

In the House.

In accordance with a resolution heretofore adopted providing for a joint session of the House and Senate at 10:30 o'clock today.

The Senate appeared at the Bar of the House and being admitted were escorted to seats prepared for them along the aisle.

Senators Westerfeld, Hill and Van Zandt, the committee on the part of the Senate, occupied seats on the platform.

The Senate was called to order by Lieutenant Governor Walter F. Woodul.

Senator Van Zandt called the joint session to order.

After the conclusion of the joint session the Senate repaired to the Senate Chamber.

Senate Bill No. 368.

By Senator Hill:

S. B. No. 368, A bill to be entitled "An Act requiring every person, firm, association, corporation, trust or syndicate engaged or hereafter engaged in the drilling, redrilling or deepening of any oil or gas well to file certain indemnity bonds with the Commissioner of Labor Statistics to secure laborers working on such wells; providing for the filing of a larger bond by such person, firm, association, corporation, trust or syndicate under certain conditions; authorizing suit on such bonds under certain circumstances; fixing the duty of the Attorney General in relation thereto; authorizing Commissioner of Labor Statistics to make certain rules and regulations hereunder; fixing penalties, and declaring an emergency."